

**OFFICIAL**  
PATENT  
13DV  
**Official**

Serial No. 09/477,422

5408  
703-305-3599 4 PAGES

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**FAX RECEIVED**  
JUL 12 2001  
**GROUP 1700**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of Jon C. Schaeffer )

Serial No. 09/477,422 )

Filed: January 4, 2000 )

For: Nickel-Base Superalloy Having an )  
Optimized Platinum-Aluminide )  
Coating )

Group Art Unit: 1775

Examiner: B Young

**RESPONSE TO RESTRICTION REQUIREMENT**

Assistant Commissioner for Patents,  
Washington, DC 20231

SIR:

In response to the Office Action dated as mailed March 12, 2001, having a one month period of response extending through and including July 12, 2001 by the enclosed Fee Transmittal with fee paid for a three month extension of time, requiring Applicant to elect for examination either claims 1-7, 14, 15, 19, 20-28, 34-43, 49-55, 60-69, 75-88, and 95-111, drawn to an article of the Examiner defined invention of Group I, or claims 8-13, 16-18, 29-32, 44-48, 56-59, 70-74, and 89-94, drawn to a method of the Examiner defined invention of Group II, pursuant to 35 U.S.C. § 121, Applicant provisionally elects the method claims of Group II with traverse, and with the clarifications noted in the following comments. It is respectfully submitted that Group I should additionally include claim 33.

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Reconsideration and withdrawal of the requirement for restriction is respectfully requested. MPEP § 806.05(f) allows for a requirement for restriction if either or both of the following can be shown: (1) that the process as claimed can be used to make other materially different product or (2) that the product as claimed can be made by another and materially different process. The Examiner suggested that the product of the invention of Group I could be made by a materially different process, "such as depositing a ceramic thermal barrier layer, applying an aluminide or platinum-aluminide coating on the alumina layer, and then casting the superalloy substrate in the mold to form the completed article, instead [of] directly applying the coating layers on the superalloy substrate by other processes (e.g., chemical vapor deposition, electron beam physical vapor deposition)."

It is respectfully submitted that the examiner suggested process would fail to produce the product as claimed. The melting temperature of superalloys is sufficiently high that the diffusion zone of the platinum aluminide would melt or dissolve into the molten metal, and the metal would infiltrate the ceramic thermal barrier coating (which is porous) to cause occlusions, such that on solidification the claimed product would not in fact be found. The undersigned fails to see why one skilled in the art would attempt such a process to form the claimed product.

It is further submitted that no undue burden will be placed on the Patent and Trademark Office by keeping and examining claims from the Group I invention with the claims of the Group II invention. Indeed, it is submitted that irrespective of whether the Group I invention or the Group II invention were elected, the Examiner would be remiss in his duties if he did not conduct a search of the subject matter of all claims in preparation for examination of either of the Examiner defined inventions of Group I or Group II. Such is necessary to meet the thoroughness requirement of 37 CFR §1.104(a).

Indeed, even where the application includes claims to distinct and independent inventions, such a search and examination as herein requested is specifically encouraged by the M.P.E.P. wherein, at §803, it is stated:

If the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

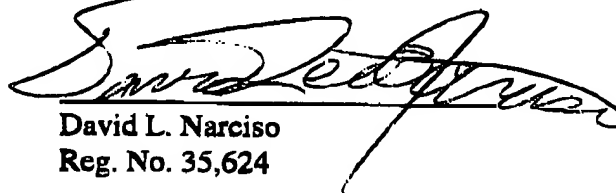
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Given the requirements of 37 CFR §1.104(a), it is respectfully submitted that the search and examination of all pending claims in this application does not constitute a more "serious burden" that the search and examination that would be required for either the Group I invention or the Group II invention.

In the event the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,



David L. Narciso  
Reg. No. 35,624

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July 12, 2001

ATTACH: TRANSMITTAL FEE

PTO/SB/17 (09-00)

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**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**(\$) **890.00****Complete If Known**

Application Number	09/477,422
Filing Date	1-4-00
First Named Inventor	JOHN C. SCHAEFFER
Examiner Name	B. YOUNG
Group Art Unit	1775
Attorney Docket No.	890.00

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

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Account  
Number

07-0865

Deposit  
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General Electric Co.

- ☒
- Charge Any Additional Fee Required
- 
- Under 37 CFR 1.16 and 1.17
- 
- ☐
- Applicant claims small entity status.
- 
- See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

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**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	365	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)** (\$) **0****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent Claims	-3** =	X	

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	80	202	40	Independent claims in excess of 3	
104	270	204	135	Multiple dependent claim, if not paid	
109	80	209	40	Reissue independent claims over original patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)**(\$) **0**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	60	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	65	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,610	138	1,510	Petition to institute a public use proceeding	
140	110	240	65	Petition to revive - <i>unintentionally</i>	
141	1,240	241	620	Petition to revive - <i>unintentionally</i>	
142	1,240	242	620	Utility issue fee (for <i>reissue</i> )	
143	440	243	220	Design issue fee	
144	800	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) **890.00****SUBMITTED BY**Name (Print/Type) **DAVID L. NARCISO**Registration No.  
(Attorney/Agent)

35,624

**Complete (if applicable)**

Telephone

513-243-8925

Signature

*[Signature]*

Date

July 12, 2001

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